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Michael Urbano

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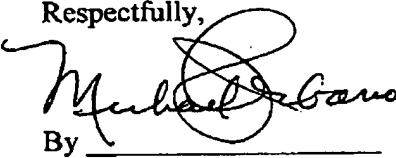
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Belyanin I-114-29-I-2-10-43
Serial No. 10/812,328

Accordingly, it is respectfully submitted that Applicant's comments serve only to clarify the record and provide no basis for withdrawing the case from issue.

Respectfully,



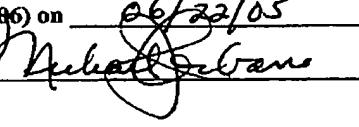
By _____

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Date: 06/22/05

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Michael J. Urbano 

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Belyanin I-114-29-1-2-10-43
Serial No. 10/812,328IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

| | | | |
|---------------|--|-----------------|--------------------|
| Inventors(s): | Alexey Belyanin Alfred Yi Cho Claire F. Gmachl Oana Malis Milton L. Peabody Arthur Mike Sergeant Deborah Lee Sivco | Case: | I-114-29-1-2-10-43 |
| Serial No.: | 10/812,328 | Group Art Unit: | 2874 |
| Filing Date: | March 29, 2004 | Examiner: | John D. Lee |
| Title: | Phase Matched Parametric Light Generation in Monolithically Integrated Intersubband Optical Devices | | |

THE COMMISSIONER OF PATENTS AND TRADEMARKS
ALEXANDRIA, VA 22313-1450

SIR:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In the Notice of Allowability of April 1, 2005, the Examiner made the following statement, *inter alia*, in his Reasons for Allowance:

...The prior art also fails to disclose or suggest such a waveguide-based device wherein...such phase matching width is *equal to* the ridge width of the waveguide. Claims 1-16 herein are therefore allowed. (Emphasis added)

Although Applicant agrees with the Examiner's general grounds for allowance of claims 1-16, he must take issue with some of the language used, to the extent that the problem language is inconsistent with independent claims 1 and 16. More specifically, the phrase *equal to* presents the following problem: the phase matching width, as recited in claim 1, line 18 and claim 16, line 31, *need not* be strictly *equal to* the ridge width. Rather, these claims require only that "said ridge width is *essentially equal to* said phase matching width." (Emphasis added)

| | |
|--|---|
| <i>Date: June 22, 2005</i> | <i>No. Pages (incl. cover): 3</i> |
| <i>To: Examiner John D. Lee</i> | <i>From: Michael J. Urbano Intellectual Property Attorney</i> |
| <i>Location: USPTO (Art Unit 2874)</i> | <i>Location: 1445 Princeton Drive Bethlehem, PA 18017-9166</i> |
| <i>Phone No: (571)-272-2351</i> | <i>Phone No.: 610-691-7710 Fax No: 610-691-8434</i> |
| <i>Fax No: (703)-872-9306</i> | <i>Subject: Application SN 10/812,328 Belyanin I-114-29-I-2-10-43</i> |

COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

*Commissioner for Patents
Examiner John D. Lee*

Mr. Lee:

The attached paper contains Applicants' comments on the "Examiner's Statement of Reasons for Allowance" in the above-captioned patent application..

Respectfully,

*Michael J. Urbano
Attorney for Applicant(s)
Reg. No. 24,522*

Cc: John F. McCabe, Esq.

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